

The Department of Labor and Industries
Semi-annual Rules Development Agenda (July 1, 2006 – December 31, 2006)

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
DIVISION: INSURANCE SERVICES (WORKERS' COMPENSATION)						
Chapter 296-14 WAC	Industrial Insurance- Worker Employment Patterns	Valerie Grimm Policy & Quality Coordination (360) 902-5005	8/21/02	To be determined	To be determined	This rulemaking will provide clarification on how to determine a worker's employment pattern at the time of injury or on the date of disease manifestation for the purpose of calculating the worker's wage. This rule will impact crime victims' compensation.
Chapter 296-14 WAC	Industrial Insurance- Transitional / Light Duty Job	Valerie Grimm Policy & Quality Coordination (360) 902-5005	Fall 2006	To be determined	To be determined	This rulemaking will provide clarification on: <ul style="list-style-type: none">• The required elements of a valid transitional / light duty job offered from the employer of record.• What is expected of the employer and worker?• How to determine a worker's entitlement to time-loss compensation and loss of earning power benefits when a transitional / light duty job is offered.
Chapter 296-14 WAC	Industrial Insurance- Confidentiality of Worker's Compensation Claim Files	Valerie Grimm Policy & Quality Coordination (360) 902-5005	11/06/04	8/22/06	10/31/06	This rulemaking will define the responsibility of employers, workers, and other parties who have access to worker's compensation claim files for confidentiality and release of claim information.
Chapter 296-14 WAC	Industrial Insurance- Definitions	Valerie Grimm Policy & Quality Coordination (360) 902-5005	05/03/05	10/3/06	11/28/06	This rulemaking will define terms used in chapter 296-14 WAC and move definitions currently in chapter 296-20 WAC to chapter 296-14 WAC. The rulemaking will amend the definition of temporary partial disability. This rulemaking will impact crime victims' compensation.

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Chapter 296-14 WAC	Industrial Insurance-Pension Discount Rates and Mortality Assumptions	Valerie Grimm Policy & Quality Coordination (360) 902-5005	6/20/01	9/19/06	11/28/06	This rulemaking will amend the pension discount rate and update the mortality assumptions used to determine pension reserves and actuarial benefit reductions.
Chapter 296-15 WAC	Workers' Compensation Self-Insurance Rules and Regulations- Claim Administrator Certification and Continuing Education Requirements	Margaret Conley Self Insurance (360) 902-6906	6/20/06	6/3/07	9/2007	In response to a request from the self insured community, the department has agreed to evaluate the need for a continuing education model and also look at the current requirements for recertification of department-approved claims administrators. Rulemaking may be implemented in response to the department's findings.
Chapter 296-15 WAC	Workers' Compensation Self Insurance Rules and Regulations-Electronic Claim Data	Margaret Conley Self Insurance (360) 902-6906	1/2007	4/2008	6/2008	Pursuant to Chapter 145, 2005 Session of Laws (SHB 1310) the department will implement rules to enable self-insured employers to provide claim data electronically via the Self Insurance Electronic Data Reporting System (SIEDRS) by July 1, 2008.
Chapter 296-15 WAC	Workers' Compensation Self Insurance Rules and Regulations- Experience Rating and Second Injury Fund	Margaret Conley Self Insurance (360) 902-6906	1/ 2007	12/2008	Spring 2009	Pursuant to Chapter 475, 2005 Session of the Laws (SSB 5992) the department will implement rules to establish an experience rating for self-insurers' and use of the Second Injury Fund by July 1, 2009.
Chapter 296-20 WAC	Medical Aid Rules-Intrathecal Pumps	Jami Lifka Office of the Medical Director (360) 902-4941	6/20/06	9/5/06	11/22/06	This rulemaking will define what type of coverage the department will provide for intrathecal infusion pumps or medications that are prescribed for the administration via the intrathecal pump.
Chapter 296-20 WAC	Medical Aid Rules-Housekeeping Changes	Jami Lifka Office of the Medical Director (360) 902-4941	N/A	CR105 Expedited Rule To be determined	To be determined	This expedited rulemaking will make housekeeping changes, primarily correcting references to WAC numbers.

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Chapter 296-20	Medical Advisory Committee	Jami Lifka Office of the Medical Director (360) 902-4941	To be determined	To be determined	To be determined	This rule will establish a medical advisory committee to advise the department on treatment guidelines and coverage criteria. It will also specify committee members specialties.
Chapter 296-17 WAC	Reciprocal Agreements	Bill Moomau, Employer Services (360) 902-4774	1/17/06	To be determined	To be determined	Revisions to reciprocal agreements with participating states
Chapter 296-17 WAC	2007 Worker's Compensation Premium Rates	Bill Moomau, Employer Services (360) 902-4774	6/20/06	9/5/06	11/21/06	Establish new premium rates by classification effective January 1, 2007
Chapter 296-17 WAC	Safe Patient Handling	Bill Moomau, Employer Services (360) 902-4774	6/20/06	9/5/06	11/21/06	This rulemaking is a result of Chapter 165, Laws of 2006 (HB 1672), which passed the 2006 Legislature. Reporting requirements and a classification will be established for qualifying hospitals to report their hours at a discounted rate depending on their level of compliance with the safe patient handling regulations.
Chapter 296-17 WAC	Metal Goods Classification Rules	Bill Moomau, Employer Services (360) 902-4774	7/18/06	9/5/06	11/21/06	This rulemaking will address possible changes to the metal goods classifications as result of a petition filed by two firms in the metal goods industry.
Chapter 296-17 WAC	Metal Goods Classification	Bill Moomau, Employer Services (360) 902-4774	8/1/06	9/5/06	10/10/06	This rulemaking withdraws certain changes from the metal goods classification rules, keeping current WAC in effect so that the department can gather more stakeholder input on the originally proposed changes.
Chapter 296-17 WAC	Exercise Riders Classification Rules	Bill Moomau, Employer Services (360) 902-4774	7/18/06	9/5/06	11/21/06	At the request of Washington State Horse Racing Commission the department will look at amending the exercise riders' classification.

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Chapter 296-17 WAC	Forest Products Picking	Bill Moomau, Employer Services (360) 902-4774	12/05	9/5/06	11/21/06	Revise and clarify a note in six agricultural classes (forest product picking, egg grading, Christmas tree sales, custom hay baling, potato sorting and fish hatcheries) to make it more clear that the industrial insurance WAC provision outlining criteria for farm labor contractors does NOT apply to those classes.
Chapter 296-17 WAC	Retrospective Rating Program Rules	Diane Doherty Retrospective Rating (360) 902-4835	11/3/04	To be determined	To be determined	The department may engage in rulemaking to clarify existing retro rules such as re-enrollment of businesses grandfathered in a specific group, enrollment requirement of all like businesses, change in due dates, and revision of applications and agreement forms.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
DIVISION: DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (DOSH)						
Chapter 296-52 WAC, Explosives, and Chapter 296-59 WAC, Safety Standards for Ski Area Facilities and Operations	Avalanche Control	Beverly Clark (360) 902-5516 Kimberly Johnson (360) 902-5008	11/22/05	6/20/06	9/5/06	This rulemaking is being conducted due to a recommendation from the National Ski Area Association, in conjunction with the Washington Avalanche Control Council. The two organizations recommended that the department adopt rule language that increases fuse length burn time from seventy to ninety seconds and eliminates the relighting of fuses due to fatalities in the ski industry. The requirements for Avalanche Control will be removed from the Ski Facility Standards and placed into the Explosives Standards.

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Chapter 296-800 WAC, Safety and Health Core Rules	Core Rule Update (Exit Routes, Fire Protection, Stairs)	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	N/A	CR105 Expedited Rulemaking 9/19/06	12/06	The Fire Protection rules and requirements relating to stairs are being rewritten for clarity and moved into the Safety and Health Core rules. In addition, some technical corrections will be made to the exit route rules.
Chapter 296-24 WAC, General Safety and Health Standards	Cranes	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	7/20/04	10/3/06	1/07	The Crane rules are being rewritten and organized for clarity and ease of use. These rules will also be updated to reflect current American National Standards Institute requirements. The project will include bridge style, mobile, tower/portal, personnel lifting, hoists, and derricks.
Chapter 296-155 WAC Part J-1 Elevating Work Platforms moving to chapter 296-869 WAC, Elevating Work Platforms	Elevated Platforms	Jim Hughes (360) 902-4504 Kimberly Johnson (360) 902-5008	8/16/05	4/18/06	9/6/06	The Elevated Platform rules and Powered Platform rules are being rewritten and organized for clarity and ease of use. The rules share the same CR101 which was filed as WSR#05-17-104 on 8/16/05 but will continue as separate rulemakings. The Elevated Platform rules will be moved from chapter 296-2155 WAC, Part J-1, and placed into new chapter 296-869 WAC.
Chapter 296-800 WAC, Safety and Health Core Rules and Chapter 296-307 WAC, Safety Standards for Agriculture	Environmental Tobacco Smoke	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008		CR105 Expedited Rulemaking 8/1/06	10/23/06	This rulemaking amends the department's requirements relating to smoking in office work environments to conform with RCW 70.160, which was expanded with the passage of Initiative 901
Chapter 296-24 WAC, General Safety and Health Standards & Chapter 296-155, Safety Standards for Construction	Fall Protection	Jamie Scibelli (360) 902-4568 Kimberly Johnson (360) 902-5008	3/23/04	12/6/06	6/26/07	The Fall Protection rules in both the General Safety and Health Standards and the Safety Standards for Construction are being combined into one rule, rewritten and reorganized for clarity and ease of use.

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Chapter 296-24 WAC, General Safety and Health Standards	Fixed Ladders	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	N/A	CR105 Expedited Rulemaking 4/18/06	7-25-06	The Fixed Ladders rules are being rewritten and organized for clarify and ease of use.
Chapter 296-24 WAC, General Safety and Health Standards Chapter 296-62- 08003 WAC, Hexavalent Chromium Chapter 296-155 WAC, Safety Standards for Construction Work Chapter 296-304 WAC, Safety Standards for Shiprepairing, shipbuilding and shipbreaking	Hexavalent Chromium	Bev Clark (360) 902-5516 Kimberly Johnson (360) 902-5008	NA	CR105 Expedited Rulemaking 5/2/06	8/1/06	This rule adoption creates rules regulating hexavalent chromium identical to Occupational Safety and Health Administration (OSHA) rule.
Chapter 296-62 WAC, General Occupational Health Standards & chapter 296- 155 WAC Safety Standards for Construction	Lead	Jamie Scibelli (360) 902-4568 Kimberly Johnson (360) 902-5008	12/21/04	To be determined	To be determined	The Lead rules from general industry and construction are being combined, rewritten and organized for clarity and ease of use.
Chapter 296- 62WAC, General Occupational Health Standards	Methylene Chloride	Bev Clark (360) 902-5516 Kimberly Johnson (360) 902-5008	6/21/06	9/5/06	1/16/07	The Methylene Chloride rules are being rewritten and organized for clarity and ease of use.

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Chapter 296-24 WAC, Part J-3, Powered Platforms moving to new chapter 296-870 WAC Powered Platforms	Powered Platforms	Jim Hughes (360) 902-4504 Kimberly Johnson (360) 902-5008	8/16/05	6/20/06	9/6/06	The Powered Platform rules and Elevated Platform rules are being rewritten and organized for clarity and ease of use. The rules share the same CR101 which was filed as WSR#05-17-104 on 8/16/05 but will continue as separate rulemakings. The Powered Platform rules will be moved from chapter 296-24 WAC, Part J-3, and placed into new chapter 296-870 WAC.
Chapter 296-24 WAC, General Safety and Health Standards Chapter 296-155 WAC, Safety Standards for Construction	Rigging	Kimberly Johnson (360) 902-5008	2/17/04	10/3/06	1/07	The Rigging rules are being rewritten and organized for clarity and ease of use. Requirements from both general industry and construction are being combined into one rule and updated to the current American National Standards Institute requirements.
Safety and Health chapters in Title 296	Standards Improvement Project	Kimberly Johnson (360) 902-5008	N/A	CR105 Expedited Rulemaking 9/19/06	10/24/06	This rulemaking will update references to WAC sections and technical information throughout the Safety and Health Standards. Minor housekeeping corrections will also be made at the same time.

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WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
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DIVISION: SPECIALTY COMPLIANCE SERVICES						
Chapter 296-46B WAC	Electrical*	Sally Elliott (360) 902-6411	4/18/06	8/22/06	10/24/06	This rulemaking will review the electrical rules and make additions, revisions, and possible fee changes as needed. It will also make amendments to the rules as a result of Substitute House Bill 1841 and Substitute Senate Bill 6225, which passed the 2006 Legislature.
Chapter 296-400A WAC	Plumber Certification Rules*	Sally Elliott (360) 902-6411	4/18/06	8/22/06	10/24/06	This rulemaking will incorporate amendments to the plumber certification rules as a result of the passage of Substitute Senate Bill 6225, which passed the 2006 Legislature. Housekeeping and clarification changes will also be made to the rules.
Chapter 296-125 WAC	Nonagricultural Employment of Minors**	Suchi Sharma (360) 902-6744	9/19/01	9/19/06	12/5/06	The purpose of this rulemaking is to integrate administrative policies into the rule.
Chapter 296-126 WAC	Standards of labor for the protection of the safety, health and welfare of employees for all occupations subject to chapter 49.12 RCW**	Suchi Sharma (360) 902-6744	9/20/05	9/19/06	12/5/06	The purpose of this rulemaking is to integrate administrative policies into rule.
Chapter 296-126 WAC	Payment Intervals	Suchi Sharma (360) 902-6744	1/17/06	8/22/06	11/21/06	This rulemaking will incorporate the administrative policies regarding payment intervals into the rule and clarify whether the regulation applies to all employees or only to employees paid on a monthly basis.
Chapter 296-127 WAC	Prevailing Wage**	Sally Elliott (360) 902-6411	7/5/06	8/22/06	11/21/06	This rulemaking will create scope of work descriptions for job classifications that have a wage rate but the scope of work has not been defined.

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Chapter 296-128 WAC	Minimum Wage**	Suchi Sharma (360) 902-6744	9/20/05	9/19/06	12/5/06	The purpose of this rulemaking is to integrate administrative policies related to minimum wage into the rule.
Chapter 296-131 WAC	Agricultural Employment Standards**	Suchi Sharma (360) 902-6744	9/20/05	9/19/06	12/5/06	The purpose of this rulemaking is to integrate administrative policies into the rule.
Chapter 296-134 WAC	Parental (Family) Leave	Suchi Sharma (360) 902-6744	6/6/06	To be determined	To be determined	This rulemaking is a result of Chapter 59, Laws of 2006 (SSB 6185), which passed the 2006 Legislature. The family leave rules will be amended.
To be determined	Wage Payment Requirements (Administrative Remedies)	Suchi Sharma (360) 902-6744	6/6/06	To be determined	To be determined	This rulemaking is a result of Chapter 89, Laws of 2006 (SHB 3185), which passed the 2006 Legislature. New rules for wage payment requirements will be created.
Chapter 296-127 WAC	Electronic Technician	Sally Elliott (360) 902-6411	5/2/06	To be determined	To be determined	This rulemaking will amend the scope of work definition for electronic technicians. The department will work with stakeholders throughout the rulemaking process.
Chapter 296-96 WAC	Elevators	Sally Elliott (360) 902-6411	11/23/04	9/19/06	11/21/06	As a result of the new licensing requirements for elevator contractor and elevator mechanics, the department is working with stakeholders to identify areas where the rules need substantive, housekeeping, and clarifying changes.
Chapter 296-104 WAC	Board of Boiler Rules	Sally Elliott (360) 902-6411	6/20/06	8/22/06	10/17/06	This rulemaking will make clarifying and technical changes to the Boiler rules.

Note for Specialty Compliance Services Division rules:

*Hearings for these rulemakings will be held on the same day.

**Hearings for these rulemakings will be held together on the same date and time.